



# **NAVAL POSTGRADUATE SCHOOL**

**MONTEREY, CALIFORNIA**

## **THESIS**

**DEPLOYMENT OF STATE TRAFFIC LAW  
ENFORCEMENT OFFICERS FOR HOMELAND  
SECURITY**

by

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March 2006

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**DEPLOYMENT OF STATE TRAFFIC LAW ENFORCEMENT OFFICERS FOR  
HOMELAND SECURITY**

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Submitted in partial fulfillment of the  
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## **ABSTRACT**

The terrorist attacks on September 11, 2001, marked a turning point for agencies at all levels of government to consider their role in Homeland Security. Significant federal studies provided federal agencies with direction on needed changes; for state law enforcement there remains much to study. Deployment of traffic law enforcement officers in many agencies has not changed since 9/11, and remains a substantial resource that could be used for prevention of terrorist attacks.

Changing deployment priorities of traffic law enforcement officers is complicated by the impact it could have on traffic safety and the over 40,000 people that are killed on America's highways every year. It becomes more complex with issues such as civil liberties concerns, political acceptability, citizen expectations and regulatory compliance.

This thesis evaluates options for the deployment of traffic law enforcement officers to enhance Homeland Security efforts. It examines the value of traffic officers to overall deterrence plans and calls for the increased use of targeted and concentrated traffic patrols rather than random patrols. It recommends a strategy of intelligence based deployments as part of a layered security system that can maximize the total impact to the traffic safety and Homeland Security missions of state law enforcement agencies.

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## I. INTRODUCTION

The terrorist attacks on the World Trade Center in New York on September 11, 2001, caused a rethinking of priorities across all levels of government. National reports have been written about needed changes in federal agencies. Studies have been completed, roles redefined, and priorities changed for federal law enforcement. The role of state law enforcement beyond response has largely been left out of national reports. Some law enforcement agencies have lacked deliberate action to examine priorities and make decisions about changes they could make within their organizations to impact Homeland Security, specifically with the use of traffic law enforcement officers. While traffic officers may not be the most critical component of Homeland Security, they are a significant existing resource and a major portion of most state police agencies. The key to prevention is layering security and identifying how each possible resource can be used. Government agencies, private business and the public must all contribute what they do best. Partnerships between entities with different core competencies can combine to have a synergistic effect on prevention. For state police, one of their main contributions will likely be traffic law enforcement.

History reveals that police officers have contacted terrorists during routine traffic patrol. Additional awareness training proposed by agencies such as the National Highway Traffic Safety Administration (NHTSA), seeks to increase the number of terrorists identified by officers as they go about their regular duties.<sup>1</sup> Awareness is a good first step, but there is reason to believe that traffic law enforcement can go beyond simple awareness during routine patrol to catch the occasional person of interest. Deliberate deployment decisions aimed at possible targets may be able to increase the likelihood of contacting a terrorist and may actually enhance deterrence to terrorist acts.

This thesis will examine deployment of state traffic law enforcement officers and whether the allocation of resources should change to meet the terrorist threat, and if so, when. It will consider studies that demonstrate the value of traffic law enforcement to

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<sup>1</sup> Jeffrey W. Runge, "The Role of Traffic Law Enforcement in Homeland Security," *Police Chief*, October 2002, 94.

not only traffic safety, but also to non-traffic crime deterrence. Studies in Decatur, Georgia; Peoria, Illinois; and Indianapolis, Indiana; have shown a strong correlation between decreases in non-traffic crime and traffic law enforcement when patrols are targeted to areas of concern. Targeted enforcement appears to achieve greater results than random patrols and points out the need for police agencies to be deliberate in their traffic law enforcement deployment decisions.

Terrorism prevention efforts in the United States have been tempered by the costs associated with new programs. Long periods of heightened alert levels and lack of specific information make deployment changes difficult to justify and sustain in light of other responsibilities. Selective use of traffic officers at appropriate times has the potential to add thousands of officers to terrorism prevention with little additional hard dollar cost. The opportunity cost in the loss of traffic safety, however, must be considered as officers are already engaged in important tasks. Deployment of traffic officers for terrorism prevention is one of many decisions and tradeoffs that face law enforcement leaders today.

Key to making sound deployment decisions is understanding the multitude of factors that should be considered. Understanding deterrence and prevention is critical to arriving at effective and efficient decisions. Factors such as political acceptability and civil liberties must also be a part of any discussion as they will necessarily change a pure risk management analysis. Civil liberties concerns have accompanied many of the post 9/11 security initiatives, and these concerns are also evident with police traffic stops.

Traffic law enforcement used for purposes other than traffic safety has raised civil rights concerns in the past.<sup>2</sup> An American Civil Liberties Union report on a California Highway Patrol interdiction program states, "...the use of the federal guidelines by the CHP has meant the unjustified and discriminatory stops of drivers of color in California

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<sup>2</sup> A prominent example is the American Civil Liberties Union challenge of the California Highway Patrol's use of Operation Pipeline. This was a program that used traffic stops followed by action on observable indicators of criminal activity with the intent of drug interdiction.



for no legitimate reason.”<sup>3</sup> Biased policing concerns need to be addressed for traffic law enforcement to be accepted as a tool for a non traffic safety purpose. Minority communities complain of biased policing and surveys indicate that most people believe that racial profiling is used by police departments. Traffic law enforcement used to affect issues other than traffic safety has been controversial and has led to accusations of profiling, biased policing, and pretext stops. Trust and support for law enforcement can be built through openness with the community and through practices such as the examination of traffic stop data to identify biased policing issues.

Intelligence based deployment shows promise yet has not been widely used due to the perceived lack of usable intelligence. Law enforcement leaders must be deliberate in identifying what their agencies will do to support Homeland Security and communicate their intelligence needs to intelligence professionals. Common practices such as traffic enforcement and officer visibility can be valuable to Homeland Security, especially when deployed based on intelligence.

The decision-making support tool suggested in Chapter Eight will provide a framework for agencies to consider changes to the deployment of traffic officers. It will consider the options of ignoring terrorism beyond traditional random patrols, changing deployments based on the Homeland Security Advisory System, and intelligence based deployments. These options will be considered using an example of specific issues faced by the Washington State Patrol. This example provides the complexity of dealing not only with competing missions but also federal regulatory requirements that can effectively force the redistribution of resources.

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<sup>3</sup> American Civil Liberties Union, Report on the 1999 Operation Pipeline investigation by the California Joint Legislative Task Force on Government Oversight. [www.aclunc.org/discrimination/webb-report.html](http://www.aclunc.org/discrimination/webb-report.html) [Accessed September 2005].

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## II. PROBLEM STATEMENT

State law enforcement agencies have been tasked with adding the Homeland Security mission to their existing mission of traffic safety with little or no additional resources. Deployment decisions must be made so that the traditional role of traffic safety continues to have the needed focus. There may be a chance to find synergies so that both the Homeland Security and Traffic Safety Missions may receive some benefit when traffic law enforcement is targeted near high terrorism threat areas.

There are numerous demands for law enforcement resources that pull on agency executives. Decisions that meet regulatory requirements, public expectations and political realities can be at odds with the most efficient and effective use of resources. Charles Townshend in his introductory book on terrorism writes,

On a dispassionate assessment of the actual threat posed by ‘pure’ terrorism, the most appropriate reaction might well be to ignore it altogether. In statistical terms, it is a far less substantial danger (and even after September 11 it is not evident that it fits the American mantra of ‘clear and present’ – a criterion specifically designed to inhibit the tendency of governments to exaggerate threats) than road traffic accidents, and very much less amenable to preventive action...But the option of ignoring terrorism is not available. It might be rational, but it is psychologically and politically impossible...as a challenge to the state’s monopoly of force and the broader sense of public security, it is acutely effective.<sup>4</sup>

The best law enforcement leaders can do is to be trained, informed, and deliberate in their actions. Limited law enforcement resources can be more effective if law enforcement leaders have a basic understanding of terrorism and the motivation and characteristics of terrorist groups, and then apply basic principles to their individual law enforcement and security responsibilities. Effective interaction between law enforcement leaders and intelligence units could provide the type of information leaders need to base deployment decisions on. Deployment considerations will vary in each jurisdiction, but

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<sup>4</sup> Charles Townshend, *Terrorism: A Very Short Introduction*, (Oxford University Press, New York, 2002), 115-116.

the answer must include effective and efficient deployment of resources and finding synergies between Homeland Security and current law enforcement tasks. Resources are limited and efficiency is critical. Paul Davis and Brian Jenkins writes,

...counterterrorism must necessarily be efficient, because U.S. internal vulnerabilities are essentially infinite...Even with a broad front strategy, there are too many possibilities and too few trained people to do everything everywhere...political leaders are demanding ever higher levels of protection, with little discussion of the tradeoffs.<sup>5</sup>

Homeland Security tasks compete with other demands for law enforcement resources. Officers were not added to most departments when new expectations of the Federal Government and citizens were added after 9/11. A good example is the Washington State Patrol (WSP), where security of transportation infrastructure including Washington State Ferries (WSF) became a new priority. The WSP has primary responsibility for security on the state ferry system which is the largest in the United States and consists of 28 vessels and 20 terminals.<sup>6</sup> The WSP received a small staffing increase for the enhanced security requirements, but it failed to meet the needs for WSP security alone. The result has been that some traffic law enforcement positions have been assigned to security posts. The problem is multiplied when security standards are increased during times of heightened alerts.

The WSP example provides a good case study of similar deployment questions facing many state law enforcement agencies. This case is interesting in that compliance with federal maritime security regulations is similar to the way some agencies have made decisions to change deployments based upon the Homeland Security Advisory System (HSAS). The Federal Government has mandated increased security on ferries when the Marine Security Level is increased, which often tracks HSAS threat levels. The competing demands for resources to address deaths and injuries on Washington State

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<sup>5</sup> Paul K. Davis and Brian Michael Jenkins, *Deterrence & Influence in Counterterrorism: A Component in the War on al Qaeda* (RAND National Defense Research Institute, 2002), 36-37.

<sup>6</sup> Washington State Ferries.  
[http://www.wsdot.wa.gov/ferries/your\\_wsf/index.cfm?fuseaction=our\\_history](http://www.wsdot.wa.gov/ferries/your_wsf/index.cfm?fuseaction=our_history) [Accessed February 22, 2006]. Washington State Ferries is the largest ferry system in the United States and carried over 11 million vehicles and 26 million people in 1999.

Highways has not been balanced by the outside regulator whose sole concern is the need for security at WSF, which has been widely reported as a likely terrorist target.

The deployment of WSP troopers to activities that take them away from traffic law enforcement, removes them from their core competency and the critical role they fill in the overall law enforcement community. The WSP is the only law enforcement agency in Washington State that has traffic law enforcement as its primary mission. The deterrence created by WSP traffic law enforcement efforts is demonstrated by the strong correlations between deaths on the highways; DUI related deaths; and DUI, speed and seatbelt enforcement. The WSP has approximately 1,000 commissioned officers. About 800 of these are assigned to traffic law enforcement functions. 684 of these are troopers assigned to general traffic law enforcement duties and accounted for 22,578 DUI arrests in 2003.<sup>7</sup> These 684 troopers comprise approximately 6.7% of the police officers in Washington State but accounted for about half of the total DUI arrests. Of the 600 collision deaths in Washington State for 2003, 43% involved impaired drivers.<sup>8</sup> While this is a large number, it has decreased in recent years and coincides with the large increase in DUI arrests by law enforcement.<sup>9</sup> The 600 collision deaths are striking when compared to the 184 murders that occurred in Washington State in 2003.<sup>10</sup>

Competing demands for time are difficult to manage with different constituencies and data pulling in different directions. A 2005 Survey conducted by Gallup for the Department of Transportation stated, “Drivers perceive their risk of being in a car crash or being hit by a drunk driver to be much greater than being a victim of terrorism or

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<sup>7</sup> Washington State Patrol 2003 Annual Report, <http://wsp.wa.gov/reports/2003anrpt.pdf>, [Accessed January 11, 2006].

<sup>8</sup> Washington State Fatal Collision Statistics, National Highway Traffic Safety Administration, [http://www.nhtsa.dot.gov/stsi/State\\_Info.cfm?Year=2003&State=WA&Accessible=0](http://www.nhtsa.dot.gov/stsi/State_Info.cfm?Year=2003&State=WA&Accessible=0), [Accessed January 11, 2006].

<sup>9</sup> Washington State trends differ from national trends. National Highway Traffic Safety Administration statistics indicate a trend nationally of increased fatal collisions from 1999 to 2003. National Highway Traffic Safety Administration. <http://www-nrd.nhtsa.dot.gov/pdf/nrd-30/NCSA/TSFAnn/TSF2004.pdf>, [Accessed February 10, 2006].

<sup>10</sup> *Crime in Washington: 2003 Annual Report*, Washington Association of Sheriffs and Police Chiefs, (Lacey, WA, 2004), 11. <http://www.waspc.org/wucrwi/2003/CIW2003.pdf#search='homicides%20and%202003%20and%20Washington%20State'> [Accessed January 11, 2006].

personal assault.”<sup>11</sup> For a law enforcement agency like the Washington State Patrol, this is compelling information to keep focus on traffic enforcement to meet the expectations of the public. Traffic officers diverted to dedicated security assignments decreases deterrence against traffic safety offenses such as DUI and speed that were leading causes for collision fatalities in the United States in 2003.<sup>12</sup>

State government budgets are tight throughout most of the United States. The ability to address new concerns with additional funding is limited. State agencies like the Washington State Patrol have been asked to add the new mission of Homeland Security with virtually the same resources. The need for regulatory compliance and the desire to meet political and public concerns requires some shift of resources away from traditional responsibilities. How this is accomplished has implications to the efficiency and effectiveness of not only Homeland Security efforts, but also to the traditional missions that subsequently receive reduced resources.

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<sup>11</sup> “Quick Response Survey #2 (Draft),” The Gallup Organization, (Washington, D.C., January 2005).

<sup>12</sup> 42,643 total traffic fatalities in US for 2003, 40% involved alcohol, 31% involved speed. 600 total traffic fatalities in Washington State for 2003, 43% involved alcohol, 39% involved speed. National Highway Traffic Safety Administration, [www.nhtsa.dot.gov/stsi/state\\_info.cfm?year=2003&state=wa&accessible=0](http://www.nhtsa.dot.gov/stsi/state_info.cfm?year=2003&state=wa&accessible=0), [Accessed April 10, 2005].

### **III. THE METHODOLOGY**

The methodology used for this thesis is a policy options analysis. This format was chosen after research on possible quantitative methods to produce deployment decision outcomes. A quantitative decision model was deemed to be too subjective when determining weights and importance of the varied inputs. The end result is a qualitative judgment based on the many factors that should be considered by leaders to achieve the balance of the most efficient, effective, and acceptable use of available resources. A matrix provides a decision support tool for considering the various inputs and options that may be used to deploy officers for Homeland Security.

The objective of this thesis is to provide information and a thought process on options available to law enforcement leaders as they consider how they can most effectively use their traffic law enforcement resources. The framework provides a reasoned system for deployments that can be adopted by law enforcement leaders for their agencies. It is meant to be a practical document that considers the realities of the world we live in.

Studies on deterrence and traffic law enforcement will be examined first to provide the basic understanding of what methods have been shown to be effective. Additional chapters will discuss additional inputs into the decision-making process that should be considered. Planning, implementation, and accountability actions will also be reviewed. Finally, a grid analysis will be used as a decision support tool to examine the example of the Washington State Patrol. This example will provide a framework for making the fundamental decision of how an agency can be involved in Homeland Security and a method to evaluate the many factors and options that should be considered. It will also reveal areas that may require action to facilitate change as we move forward toward sustainable and balanced levels of deployments.

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## **IV. PRINCIPLES OF DETERRENCE**

The Theory of Deterrence and its applicability to terrorism has been discussed and questioned by those looking to prevent terrorist attacks. Terrorists differ from common criminals both in motivation and in the tactics they utilize. It is important to understand how the effectiveness of deterrence efforts may be impacted by these differences. Homeland Security has become a major issue in the United States since 9/11 and has led to introspection by agencies at all levels of government to determine what more can be done to keep America safe. Strategies for prevention, including deterrence, have been one outcome. This chapter examines deterrence and its importance to overall prevention efforts. It also looks at the applicability of deterrence to state law enforcement efforts and considers some of the deployment and planning considerations that should go into decision making.

To deter is to dissuade an agent from a course of action by alerting him to consequences that he does not desire. In the theory of punishment, deterrence is often presented as a, or the, major justification of the practice, and in that context must be carefully distinguished from retribution, vengeance, and correction. The term has achieved wider political currency from modern strategies of defense, notably in the context of the threat of nuclear war.<sup>13</sup>

### **A. PSYCHOLOGY OF DETERRENCE**

Law enforcement has traditionally used deterrence as one strategy to prevent crime. Methods such as community policing, block watch and routine and targeted patrols have sought to increase the perception among criminals that there is a significant chance of apprehension and punishment. As law enforcement confronts terrorism, it is important to determine if traditional deterrence strategies can be used effectively against terrorists. Law enforcement must consider the fundamental differences in psychological make-up between terrorists and traditional criminals. Only then can it consider the value of literature on criminal deterrence that exists in traditional policing.

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<sup>13</sup> Roger Scruton, *A Dictionary of Political Thought*, (London: MacMillan, 1996), 138.

Terrorists are commonly referred to as “crazy”. High ranking public officials have made these comments that have been carried and repeated by the media. It is hard for the typical American to attribute normal psychological characteristics to someone who is willing to kill people that are viewed as innocent (by our cultural standards), to further their political cause. Scott Atran states, “Contemporary suicide terrorists from the Middle East are publicly deemed crazed cowards bent on senseless destruction who thrive in poverty and ignorance. Recent research indicates they have no appreciable psychopathology and are as educated and economically well-off as surrounding populations.”<sup>14</sup> If terrorists were crazy, what hope is there to create deterrence to their actions? To deter terrorists, they must be capable of recognizing countermeasures and have the ability to make reasoned decisions on their likelihood of successful attacks.

One could make an argument for terrorism being irrational if it had negative consequences to the group or their cause, but this does not appear to be true. The success and longevity of some terrorist groups demonstrates the sound decision-making of their members. One can assume some form of cost-benefit analysis even if unintended, by the planning of asymmetric attacks that have significant impact for the resources they expend when compared to the random action of a lunatic that accomplishes nothing. The history of terrorism demonstrates that the strategy can be effective. Small groups have great ability to bring attention to their cause and actually see results from their terrorist actions. Examples include groups such as Irgun and Stern Gang whose actions contributed to the establishment of Israel. Similarly the Palestine Liberation Organization and associated groups have achieved significant support for establishment of a new Palestinian State and even received diplomatic recognition by some nations. The January 2006, success of Hamas in winning the Palestinian Authority elections is the most recent example. The win by Hamas puts them in position to lead a newly formed Palestine should it achieve statehood as supported by the United States. Hamas is best known for its terrorist attacks against Israel that have accounted for more than 500 deaths since 1993.<sup>15</sup>

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<sup>14</sup> Scott Atran, “Genesis of Suicide Terrorism,” *Science* 299 (March 7, 2003): 1534.

<sup>15</sup> CNN.com, “Hamas’ Past Casts Shadow Over Peace Plan,” (January 26, 2006).  
[www.cnn.com/2006/WORLD/meast/01/26/palestinian.election/index.html](http://www.cnn.com/2006/WORLD/meast/01/26/palestinian.election/index.html) [Accessed February 18, 2006].

Researchers have predominantly determined that the vast majority of terrorists do not suffer from abnormal psychopathology. Randy Borum, who reviewed existing literature on the subject concluded that terrorists are psychologically normal individuals who are motivated to violence by their political views. He indicates that their decisions are made rationally and that they have valid motives. He states, “Mental illness is not a critical factor in explaining terrorist behavior. Also, most terrorists are not psychopaths.”<sup>16</sup>

Even with suicide bombers there is evidence of sound decision-making and cost-benefit analysis. The suicide bomber does not run wildly at armed police or soldiers to be killed with little affect for their cause, rather they remain undetected and insert themselves into locations with dense population such as a bus, where killing others is almost assured. Borum states, “Existing research reveals a marked absence of major psychopathology among would-be suicide attackers; that the motivation and dynamics for choosing to engage in a suicide attack differ from those in the clinical phenomenon of suicide; and that there is a rational strategic logic to the use of the suicide attack campaigns in asymmetric conflict.”<sup>17</sup> Another researcher noted, “Suicide terrorism ... utility is the outcome of crude cost-benefit analysis; representing the most efficient manner a terrorist organization can inflict maximum damage whilst incurring the least cost.”<sup>18</sup>

A suicide attack is more frightening to the general public than other types of attacks. A person who plans an attack with no concern for escape is much harder to stop. The average person has difficulty understanding the motivation and fervor that leads to such attacks so the psychological impact to them is heightened. Scott Atran writes,

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<sup>16</sup> Randy Borum, “Psychology of Terrorism,” (Tampa, University of South Florida, 2004), 3, 15-34. [www.ncjrs.org/pdffiles1/nij/grants/208552.pdf](http://www.ncjrs.org/pdffiles1/nij/grants/208552.pdf) [Accessed November 8, 2005].

<sup>17</sup> Borum, “Psychology of Terrorism,” 34.

<sup>18</sup> Julian Madsen, “Suicide Terrorism: Rationalizing the Irrational” Strategic Insights III, no. 8, (August 2004)

<http://knxup2.ad.nps.navy.mil/homesec/docs/dod/nps17-081804-08.pdf> [Accessed February 1, 2006].

Although a suicide attack aims to physically destroy an initial target, its primary use is typically as a weapon of psychological warfare intended to affect a larger public audience.<sup>19</sup>

Acts of religiously motivated suicide terrorism are increasing in the world. The success of the attacks and the effect on the psyche of nations has been noted and therefore gained favor as a strategy for attack. In some ways this provides evidence of the lucid decisions made by terrorist leaders to maximize their resources and impact. While numbers vary according to the source, it is clear that suicide attacks have increased dramatically since 2000 and number in the hundreds the last two years. A recent RAND report calculates that a suicide terrorist attack kills about four times more people than other types of attacks.<sup>20</sup> Logic dictates that if terrorists complete thorough analysis of attack strategies, then the United States should be prepared for the increased use of suicide attacks.

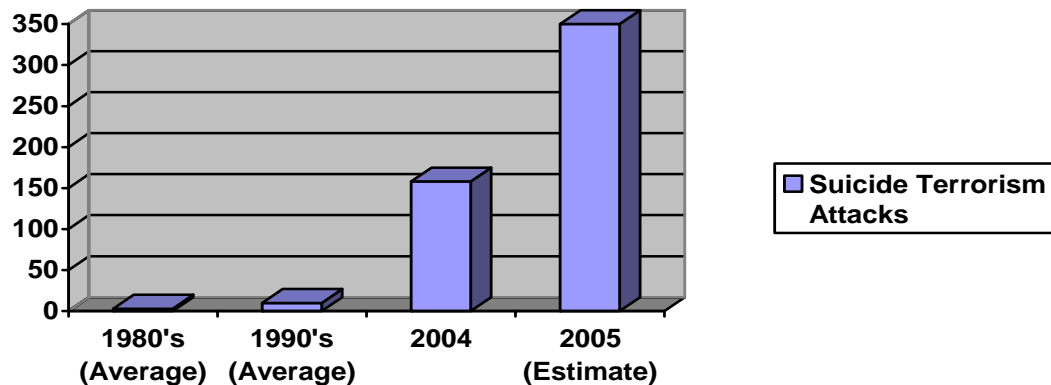


Figure 1. Suicide Terrorism

Source: Stefan Lovgren, "Suicide Attacks Evolving, Increasing," *National Geographic News*, July 29, 2005.

<sup>19</sup> Atran, "Genesis of Suicide Terrorism," 1534.

<sup>20</sup> Bruce Hoffman, David W. Brannan, Eric Herren, Robert Matthiessen, *Preparing for Suicide Terrorism: A Primer for American Law Enforcement Agencies and Officers* (Santa Monica, CA: RAND Corporation, 2004), 2 (For Official Use Only).

A suicide terrorist should not be equated to a person committing traditional suicide. The terrorist views their actions as nationalistic, sacrificial, or an act of martyrdom. The suicide terrorist is generally a socially engaged individual who believes in a cause. They may be guided by faith and look forward to being rewarded for their actions. The traditional suicide has a completely different motivation, a motivation based on depression or despair. A traditional suicide is generally considered a selfish act that does not consider the impact to others.

If terrorists attempt an act that fails they may have wasted their opportunity to further their cause or worse, may have even caused damage to their organization. Rational decision-making is needed to maximize the gain for the risk or sacrifice that is put forward. A recent report concludes,

Terrorists are increasingly drawn to suicide tactics because they are devastatingly effective, lethally efficient, cheap, and easier to execute than other tactics. By definition suicide attacks markedly reduce the danger of captured operatives revealing tactically important information under interrogation. Thus, the terrorist decision to employ this mode of attack is neither irrational nor desperate...<sup>21</sup>

Since terrorists are predominantly rational actors, they can be influenced. Law enforcement must be deliberate in their actions to deter terrorist acts. The average criminal makes rudimentary cost/benefit calculations to determine if their risk is worth the potential reward. If terrorists make similar deductions we assume that increasing their risk of being caught or creating uncertainty in their mind of success, may deter them from attempting a specific attack.

## **B. CREATING DETERRENCE**

Deterrence of terrorism has mainly been discussed at the strategic level with military power focused abroad. Current literature on law enforcement and Homeland Security has focused on the federal level such as the 9/11 Commission Report.<sup>22</sup> Some authors have gone as far as saying that terrorism is a federal problem best left to federal

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<sup>21</sup> Hoffman et al., "Preparing for Suicide Terrorism," 5.

<sup>22</sup> *9/11 Commission Report, Final Report of the National Commission on Terrorist Attacks upon the United States* (New York: Norton, 2004).

law enforcement and that state and local law enforcement already have enough to do.<sup>23</sup> Others have indicated a modest role for state and locals including information sharing and awareness training for officers.<sup>24</sup> But there is evidence that local law enforcement can have an effect as New York Police Commissioner Raymond Kelly was quoted as saying, "... captured terrorism suspects questioned by the F.B.I. in Europe and the Middle East have told their interrogators that increased security in New York made the city a more difficult place for terrorists to operate."<sup>25</sup>

There are various strategies that should be used together in overall prevention efforts. Deterrence combined with strategies such as target hardening will provide the best hope for prevention with each organization deciding what they can contribute. Charles Townshend states, "They (target hardening efforts) are an effort to shrink the windows of opportunity available to terrorists. They are also a tacit admission of the impossibility of predicting terrorist action."<sup>26</sup> There is clear recognition that a multi-faceted approach to prevention that includes deterrence is necessary with the target rich environment that exists in the United States. A recent report by the Transportation Research Board states, "The impracticality of eliminating all transportation vulnerabilities means that efforts to deter must be a key part of transportation security strategies."<sup>27</sup>

Deterrence is important when used in combination with other strategies in the overall effort to fight terrorism, and is something that many organizations including state police can contribute to. Each agency has their core competencies and specializations that need to be exploited. The key is for each agency to be deliberate in considering their

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<sup>23</sup> Steven G. Brandl, "Back to the Future: The Implications of September 11, 2001 on Law Enforcement Practice and Policy," *Ohio State Journal of Criminal Law* 1:133 (2003).

<sup>24</sup> *V. Forging America's New Normalcy: Securing Our Homeland, Preserving Our Liberty*, The Fifth Annual Report to the President and the Congress of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction (December 15, 2003), i.

<sup>25</sup> William K. Rashbaum, "Tougher Measures Appear to be Paying Off," *New York Times*, May 14, 2003.

<sup>26</sup> Charles Townshend, *Terrorism: A Very Short Introduction*, (New York: Oxford University Press, 2002), 120-121.

<sup>27</sup> *Transportation Research Board Special Report 270, Deterrence, Protection, and Preparation: The New Transportation Security Imperative*, (Washington D.C: National Academy of Sciences, 2002), 34.

role and acting on common sense solutions. Paul Davis and Brian Jenkins write, “With an enemy like al Qaeda that has many heads, a broad front strategy that employs many different resources appears prudent. Military operations are useful for some purposes, while vigorous police work...is useful in others, so there are different roles...the virtues and feasibility of the broad-front approach appears to us evident.”<sup>28</sup>

Studies have concluded that police actions can create deterrence. A study in Argentina looked at police deployment after a terrorist attack in Buenos Aires. The study looked at the decision to post police officers at Jewish and Muslim sites in the country to deter attacks on them. While there were no attacks on the sites themselves, they also noted that auto theft declined approximately 75%.<sup>29</sup> The study concluded that police efforts can have a great deterrent effect on crime in the immediate targeted area but do little to deter crime even a block away from where they are stationed.<sup>30</sup>

Police prevent crime every day through two basic principles; denying incarcerated individuals the opportunity to commit crimes and deterrence which would include fear of being caught. Voluntary compliance with laws, whether from personal ethics and logic or from the fear of being caught, is what society primarily relies on to continue to function. For terrorism, various strategies such as target hardening and deterrence must be combined to help prevent attacks. “There is no single strategy that will always be effective. Deterrence is part of a layered system of defense that should be used similar to what has effectively been used in other disciplines (Situational prevention – interventions designed to prevent crime by reducing opportunities and increasing risks)”<sup>31</sup>

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<sup>28</sup> Paul K. Davis and Brian Michael Jenkins, *Deterrence & Influence in Counterterrorism: A Component in the War on al Qaeda* (RAND National Defense Research Institute, 2002), 24.

<sup>29</sup> Auto theft was looked at as the best benchmark in the study given that only 29% of crimes in Argentina are reported compared to 87% for auto theft. The difference is attributed to insurance requirements to notify police.

<sup>30</sup> Rafael Di Tella and Ernesto Schargrodsky, “Do Police Reduce Crime? Estimates Using the Allocation of Police Forces After a Terrorist Attack”, *The American Economic Review* 94, no. 1 (March 1, 2004): 115-133.

<sup>31</sup> Michael Tonry and David P. Farrington, “Building a Safer Society: Strategic Approaches to Crime Prevention,” *Crime and Justice* 19 (1995): 4.

### C. MAXIMIZING DETERRENCE

Deployment decisions will impact how effectively law enforcement creates deterrence. Deployments should either meet a critical threshold of enforcement activity (creating a substantial risk of the terrorist being caught), or create enough confusion through multiple activities that it is difficult for a terrorist to calculate their odds of success. A transportation Research Board reports reflects the latter stating,

...layered security systems, characterized by an interleaved and concentric set of security features, have the greatest potential to deter and protect... Moreover, the interleaved layers can confound the would-be terrorist. Calculating the odds of breaching a multi-tiered system of defense is far more difficult than calculating the odds of defeating a single, perimeter protection.<sup>32</sup>

The cost effectiveness of a layered system is generally better as well. As one attempts to achieve perfection from a single measure, each corresponding percentage in reliability becomes increasingly expensive. Having multiple layers protects against minor errors or the inability to reach complete impermeability.

It is important to note in the approach of a layered security system, that the value comes from multiple security efforts none of which may be particularly successful on their own. Creating a system that is difficult to track because of the number of independent events occurring around a target, creates uncertainty for a would-be attacker.

Davis and Jenkins state,

...better defensive measures can help to deter or deflect, even if they are decidedly imperfect...A subtlety here is the difference between a defensive system that is imperfect because it has “open doors” and one that is imperfect because it has reliability that is random but much less than one. The first defense might provide no deterrent at all, whereas the second might have substantial effect.<sup>33</sup>

A sufficient concentration of resources is also needed to achieve or at least create the perception of achieving a high probability of apprehending would-be attackers. Henry Lando and Steven Shavell studied deterrence through focusing law enforcement

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<sup>32</sup> *Transportation Research Board Special Report 270, Deterrence, Protection, and Preparation: The New Transportation Security Imperative*, (Washington D.C: National Academy of Sciences, 2002), 1.

<sup>33</sup> Davis and Jenkins, *Deterrence & Influence in Counterterrorism*,16.



effort.<sup>34</sup> While their argument is not specific to terrorism, they point out that to have deterrence one must meet a critical threshold of enforcement activity. Short of meeting that threshold, one must focus effort on a subgroup of population or location to reach the threshold level. If the assigned force is spread too thinly across everything in a given environment, one will deter nothing.

Communication of the law enforcement activity to the public is an important part of this strategy and necessary to maximize deterrence. A combination of publicized visible and covert security measures creates awareness of security and uncertainty of the ability to detect it. If no one is aware that police are engaged in an enforcement activity then the activity would not be a deterrent.

Lando and Shavell's writing supports the need to prioritize possible terrorist targets so pro-active enforcement can be concentrated. Plans need to be developed around vulnerability assessments that will give direction to field personnel. For example, Washington State Patrol (WSP) field commanders have been provided a vulnerability assessment of critical transportation infrastructure. The WSP lacks the resources to dedicate troopers to all critical infrastructures at all times so it must decide what will be protected and when. The WSP must meet a critical threshold of activity on fewer possible targets or risk being ineffective at all of the possible targets.

What can be concluded, then, about the theory of deterrence and how it can be used by law enforcement for terrorism prevention? Terrorists are generally rational actors and can thereby be influenced through traditional anti-crime measures. All agencies, including state police agencies, must be deliberate in determining what they can contribute to terrorism prevention efforts. Further, their efforts should include some activities such as targeted traffic patrols that can create deterrence. Studies have indicated that targeted traffic law enforcement can be effective to deter non-traffic crime. Deterrence that affects behavior can be created by the threat of apprehension that meets a threshold of likelihood, or by creating a sufficient uncertainty of success. The existence of countermeasures should be advertised without specific information so they are known

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<sup>34</sup> Henry Lando and Steven Shavell, "The Advantage of Focusing Law Enforcement Effort," Discussion Paper No. 357 (Harvard Law School, March 2002).

to terrorists. Countermeasure activity cannot affect the behavior of a terrorist if they are unaware that it exists. The ability of law enforcement to create various layers of security, even if not particularly effective individually, can create effective deterrence when combined together. Targeted traffic law enforcement can be added to existing security measures to increase layers and the complexity of overall security plans.

## **V. VIABILITY OF TRAFFIC LAW ENFORCEMENT FOR TERRORISM PREVENTION**

Traffic law enforcement has been discussed as a possible tool for terrorism prevention. Before tackling actual deployment decisions, two questions must be answered: Is traffic law enforcement effective as a deterrence tool and, if effective, is it an acceptable practice in a liberal democracy?

The value of traffic law enforcement as a terrorism prevention tool has been discussed by law enforcement agencies and organizations such as the National Highway Traffic Safety Administration (NHTSA) since 9/11. Statistics indicate that police are most likely to contact a terrorist during traffic stops as this activity accounts for about 50% of all police contact with the public. NHTSA has promoted awareness programs for traffic officers to look beyond the original traffic stop for evidence of terrorism.<sup>35</sup> Not unlike drug interdiction programs such as Operation Pipeline,<sup>36</sup> the belief is that police officers on traffic stops are in a position to observe unusual circumstances and nervous behavior by drivers that can be indicative of other crimes.

### **A. HISTORY**

Statistics on how terrorists have been caught in the United States provides some evidence of the value of pro-active police work. While data is incomplete, of those cases studied by Christopher Hewitt, 31% have some relationship to pro-active work though statistics are not specific to traffic enforcement.<sup>37</sup>

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<sup>35</sup> Jeffrey W. Runge, "The Role of Traffic Law Enforcement in Homeland Security," *Police Chief*, (October 2002), 93-94.

<sup>36</sup> Operation Pipeline was a nationally sponsored program created by the Drug Enforcement Administration that trained officers across the United States on how to recognize drug couriers. The program focused on traffic law enforcement and what officers should do after legally stopping a vehicle for a traffic violation.

<sup>37</sup> Christopher Hewitt, *Understanding Terrorism in America From the Klan to Al Qaeda*, (London: Routledge, 2003), 89-90. Statistics on cases with details available. 46.4% from informers and infiltrators, 29.7% from surveillance, 23.5% caught in the act by police, 14.7% by investigations, 8.5% from information from the public, 7.5% from routine policing, and 2.4% from fellow terrorists. Local police and the FBI were responsible for a similar number of arrests.

There are recent, specific, high-profile examples of terrorists caught by traffic officers working routine patrols. The “DC Snipers” were caught in 2003 by Maryland State Troopers at a highway rest stop, and Timothy McVeigh was arrested by an Oklahoma Highway Patrol Trooper on a traffic stop. There was also the case of Yu Kikumura, a Japanese Red Army terrorist stopped by a New Jersey state police officer in 1988 with several bombs intended for a navy recruiting station in New York’s financial district.<sup>38</sup> After 9/11 it was discovered that two of the hijackers had recently been stopped by state troopers for traffic offenses.<sup>39</sup>

Recent improvements to databases, such as adding terrorist watch lists to the National Crime Information Center, will likely result in identification of more individuals as law enforcement officers routinely check it during contacts. Emerging technologies such as portable live-scan fingerprinting and facial recognition devices in patrol cars seek to positively identify subjects who lack, or have questionable identification. The ability to keep officers on-post or in the field under these circumstances maximizes the use of human resources.

Traffic law enforcement has the ability to go beyond simply identifying terrorists during routine stops and contacts. Changes in deployment of traffic officers may actually be able to increase the chance of catching terrorists and may create deterrence to terrorism through concentration of resources around possible targets at the right times. Traffic law enforcement has been shown to be a deterrent to traffic issues as well as non-traffic crime.

## **B. TRAFFIC LAW ENFORCEMENT STUDIES**

Traffic law enforcement has been used effectively for years to combat unsafe driving behavior. Studies across the nation have shown the value of targeted traffic law enforcement to reduce collisions. Recent Washington State Patrol (WSP) experience on state highways demonstrates a strong correlation between increased enforcement of leading collision causing violations and reducing collisions. The following statistics

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<sup>38</sup> Bruce Hoffman, *Inside Terrorism*, (New York: Columbia University Press, 1998), 188.

<sup>39</sup> Runge, “The Role of Traffic Law Enforcement in Homeland Security,” 93-94.

reflect numbers of citations over a four year period for DUI and speed, and the number of fatal and injury collisions on Interstate and State Highways for which the WSP is responsible.<sup>40</sup>

Year	DUI	Speed	Injuries	Fatalities
2001	14,617	174,949	11,390	334
2002	18,513	251,533	10,926	262
2003	22,498	272,061	9,171	242
2004	23,338	247,486	9,190	229

Table 1. Enforcement and Collisions

While traffic enforcement has generally been accepted as an effective means to fight collisions, its use as a tool to deter non-traffic crime has been more controversial. A widely cited study, “*The Kansas City Preventive Patrol Experiment*”,<sup>41</sup> in the early 1970’s stated, “The experiment did show that routine preventive patrol in marked police cars has little value in preventing crime or making citizens feel safe.”<sup>41</sup> Preventive patrol was referred to in the document almost synonymously with police visibility and did not specifically evaluate targeted traffic enforcement. Not all researchers are convinced that traffic law enforcement can effectively reduce crime, but there is no definitive work that convincingly proves otherwise.<sup>42</sup>

More recent studies have shown a strong correlation between increased traffic law enforcement and reduced crime. While these studies are not specific to terrorism deterrence and prevention, terrorism is a criminal act and is only separated from general crime by the motivation of the criminals.

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<sup>40</sup> Washington State Patrol Annual Reports, 2002, 2003, 2004, <http://wsp.wa.gov/reports/2004anrpt.pdf> and <http://wsp.wa.gov/reports/2002AnRpt.pdf> and <http://wsp.wa.gov/reports/2003AnRpt.pdf> [Accessed February 1, 2006].

<sup>41</sup> George L. Kelling, Tony Pate, Duane Dieckman, and Charles E. Brown, “The Kansas City Preventive Patrol Experiment: A Summary Report,” (Washington, DC, 1974), <http://www.policefoundation.org/pdf/kcppe.pdf> [Accessed July 19, 2005].

<sup>42</sup> Wesley Harris. “Does Traffic Enforcement Reduce Crime?,” *Law and Order* (May 1999), 30.

Throughout the 1980's Decatur, Georgia, experienced increased crime reaching record levels in 1989. Changes were made in traffic enforcement tactics to target specific high crime areas. The crime rate in Decatur dropped 52% from 1989 to 1997. While the number of traffic stops actually fell from 1994 to 1997, criminal arrests from traffic stops rose. The rise in criminal arrests was attributed to the targeting of high crime areas and training officers to spend more time on each stop including follow-up on indicators of criminal activity.<sup>43</sup>

In Indianapolis, Indiana, police targeted eight high crime areas in four police districts with increased traffic law enforcement. Analysis found that the targeted areas experienced reductions in most crime categories at the same time crime was increasing in the city overall. Different areas used different approaches to traffic enforcement. Some encouraged officers to complete their contacts as quickly as possible while others encouraged field interrogations and searches when appropriate.<sup>44</sup> Areas that encouraged complete police work that included investigating beyond the reason for the original stop experienced the greatest decreases in crime.<sup>45</sup>

Peoria, Illinois experienced significant drops in crime in 1994-1996 after their new chief prioritized traffic law enforcement including checkpoints. The police department targeted areas of concern with officers working traffic and had the following results<sup>46</sup>:

- Traffic Citations +24%
- DUI Arrests +11%
- Collisions -21%
- Violent Crime -10%
- Property Crime -12%

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<sup>43</sup> Wesley Harris. "Does Traffic Enforcement Reduce Crime?," *Law and Order* (May 1999), 30.

<sup>44</sup> This approach also used interventions with suspected gang members and those believed to be involved in drug sales. It is not clear from the study if non-traffic reasonable suspicion stops were included in statistics.

<sup>45</sup> Alexander Weiss and Edmund McGarrell, "Traffic Enforcement & Crime: Another Look," *Police Chief*, (July 1999), 26-28.

<sup>46</sup> *The Peoria Experience*, US Department of Transportation, National Highway Traffic Safety Administration (Washington D.C, 1998).

These studies used targeted patrols to specific areas rather than random patrols over a larger area. The studies and success of targeted traffic law enforcement patrols provide leaders with reasons to believe in the terrorism prevention power of targeted traffic law enforcement. Deliberate deployment decisions have to be made if the usefulness of this tool is to be maximized. Random patrols have the ability to stop and identify terrorists, but it is a separate question to ask if random patrols create deterrence. The evidence appears to indicate that they do not, or at least have less effect. Studies have pointed to the success of targeted patrols. High crime areas have seen reductions in crime through deliberate deployment decisions that put more officers in an area where they are very visible and active. The perception of criminals must be changed from believing they will get away with their crimes to avoiding areas because they believe there is an increased likelihood of having contact with the police.

Traffic law enforcement used to deter terrorism requires prioritization of possible targets. It is not enough for officers to know likely targets and to randomly patrol those areas. Patrols spread too thinly, trying to cover as many areas as possible, will result in little to no deterrence to any of them. Concentrating resources on fewer targets achieves the greatest deterrence.<sup>47</sup> Vulnerability analysis of critical infrastructure is essential to prioritize targets and make informed traffic law enforcement deployment decisions.

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<sup>47</sup> Henry Lando and Steven Shavell, “The Advantage of Focusing Law Enforcement Effort,” Discussion Paper No. 357, (Harvard Law School, March 2002).

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## **VI. BIASED POLICING CONCERNS FOR TARGETED TRAFFIC LAW ENFORCEMENT**

The role of traffic officers has traditionally been intended solely to affect traffic safety. Deviation from the traditional intent has led some civil libertarians to raise the concern that using traffic law enforcement to affect issues other than traffic safety may result in racial profiling, biased policing, or pretext stops. It is critical for law enforcement to build trust with their community for partnerships and communication to flourish and communal problem solving to take place. One method to build trust in the area of traffic stops is through the examination of police data to identify biased policing issues.

Actual bias or even the public perception of bias which is not necessarily real can be a significant obstacle to effective law enforcement. This is especially true of some of the tools needed for terrorism prevention such as a free flow of information with the public and targeted traffic enforcement. Counter-terrorism efforts in the United States have already received criticism for targeting those appearing to be Middle-Eastern or Muslims. Law enforcement must confront the perception that traffic stops will be aimed at race or ethnic groups.

Individual events that receive massive media attention have a great effect on public perception. The Rodney King case in Los Angeles, or NYPD scandals such as Abner Louima and Amadou Diallo, leave lasting impressions on public perception. Real or imagined, many believe that biased policing is widespread. A 1999 nationwide Gallup Poll indicated that 59% of adults over eighteen believe that racial profiling by police is widespread.<sup>48</sup> A Washington State Patrol Citizen Survey from 2003 indicated minority groups believe the WSP engages in widespread racial profiling in proportions of 40% to 70%.<sup>49</sup>

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<sup>48</sup> The Gallup Poll, The Gallup Organization, December 9, 1999, <http://poll.gallup.com/content/default.aspx?CI=3421>, [Accessed January 12, 2006].

<sup>49</sup> Washington State Patrol: 2003 Citizen Survey Presentation of Results, Washington State University Division of Governmental Studies and Services, <http://wsp.wa.gov/reports/citizen03.pdf>, [Accessed January 12, 2006].

Studies across the nation have indicated that biased policing is occurring. Traffic stops, stop and frisk, searches, and citations have all been issues with regard to minorities being over-represented in data. The result of biased policing for police departments has meant civil litigation, Department of Justice Consent Decrees, and proposals for state and federal legislation that requires data, or controls on, police activities.

Many police agencies have been reluctant or even adamantly opposed to data collection involving race and ethnicity for traffic stops and other contacts. Major reasons include cost, the fear of depolicing, and concern for opening up complicated issues with data that involves so many variables that it is difficult to analyze and draw fair conclusions.

Cost can be a significant obstacle for agencies. While trying to maintain the number of officers on the street during tight budget times, additional costs are difficult to absorb. Costs for computer systems and data analysis, as well as the time cost for officers to fill out data sheets and have them entered into a system, can be substantial.

The issue of depolicing is a concern that has real costs to jurisdictions experiencing it. Hard working police officers who aggressively investigate suspicious circumstances and actively enforce observed law violations are critical to maximizing resources and dealing effectively with crime. Police officers who mistrust their administration's support when they are acting in good faith and trying to do the right thing will often lead to officers who watch out for themselves first and do the minimum required to get by. When Houston implemented race data collection, there was a large decrease in the number of tickets written. Officers indicated that they were concerned that the data collection could lead to punishment. Similar activity was observed by state police agencies in North Carolina and Connecticut.<sup>50</sup>

A perception by officers that data analysis will be thorough and fair is critical to their acceptance of the process. Many studies have only considered simple data and analysis that fails to evaluate various benchmarks. Proportionality of stops is much more complicated than a typical comparison of percentage of stops for each race or ethnic

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<sup>50</sup> J. Ward, "Race, Ethnicity, and Law Enforcement Profiling: Implications for Public Policy," *Public Administration Review* 62, (2002), 726-735.

group compared to census data. While this is a legitimate starting point, it fails to take into account the multitude of variables that affect the ratio such as transitory traffic that may be better benchmarked through race/ethnicity data contained on collision reports. Other variables such as driving skill and economic factors may affect vehicle equipment condition, licensing or other violations that increase the likelihood of a vehicle being stopped. Economic factors may also contribute to the number of violations found during a single contact increasing the likelihood of a citation. Search data can be affected by the seriousness of an offense and the decreased discretion to search by officers. A simple analysis of data can lead to incorrect assumptions of biased policing and increased suspicion of all agencies that commonly are viewed in the aggregate. cursory studies can have a negative impact on communities through questionable assumptions that increase distrust, while agencies may be substantially unbiased or actively working to solve problems and address internal concerns.

There are examples of thorough studies that have been accepted by the police and public alike. The “*WSP Traffic Stop Data Analysis Project*” received praise from minority communities and the WSP experienced increases in activity while data collection efforts were being initiated.<sup>51</sup> The WSP gained advocates within minority communities who have helped to bridge the divide between law enforcement and the minority community. As community partners they are able to build mutual trust and respect that allows for dialogue and accountability for activities.

The study included statewide and geographic analysis to identify trends and concerns at multiple levels within the WSP. Multivariate Analysis was used to consider various inputs that affected data. Comparisons were made to statewide and geographic demographics as well as other baselines such as those involved in traffic collisions. Race/Ethnicity, gender, and age were considered in the analysis. Data was collected for every traffic stop that included the initial reason for the stop, citation and search data, race/ethnicity data; date, time, and location. The findings of the study indicate that the

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<sup>51</sup> It is important to note that the increase in activity corresponded to a new chief leading the department who instituted greatly enhanced accountability measures.

WSP does not practice biased policing. There was virtually no disparity at the level of stop and very little disparity at the level of citation.<sup>52</sup>

Some of the greatest contributions police can make to Homeland Security depend on the trust and support of the public. Information from the public for intelligence units and police practices that raise concerns for civil liberties abuses can be effected when there are poor relationships between the public and police. Trust and support for police can be built through transparency of operations and the availability of contact data. Data collection practices should be open to public comment and feedback. Data should be available for independent research on the practices of agencies while keeping in mind the concerns for privacy contained in some data. Police must do a better job of education and interaction with the public to build mutual trust and respect. Thorough data collection and analysis can be a tool that helps to build relationships between communities and their police. These programs can benefit police agencies in many ways including support for targeted traffic law enforcement that may impact terrorism prevention.

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<sup>52</sup> Washington State Patrol: 2003 Citizen Survey Presentation of Results, Washington State University Division of Governmental Studies and Services, <http://wsp.wa.gov/reports/citizen03.pdf>, [Accessed January 12, 2006].

## **VII. DELIBERATE ACTION**

Deliberate planning and action is required as law enforcement leaders consider how each portion of their agency will be involved in Homeland Security. There are two main roles where this needs to be fulfilled; prevention and response. The National Strategy for Homeland Security indicates that state and local government have the primary responsibility for planning and response to terrorist incidents and states,

...(local and state law enforcement) should now assign priority to preventing and interdicting terrorist activity within the United States.<sup>53</sup>

Law enforcement agencies generally have plans for unusual occurrences and are ready to respond to incidents once they have happened. Similarly the discovery of specific overt threats or malevolent plans would need little pre-planning and would likely be acted upon in a responsible manner. Though plans are likely not perfect and could use some improvements, the area that has generally lacked full consideration is prevention. Prevention in the sense of systematic plans and operations designed to determine the proper tactics, locations, and timing of measures intended to prevent terrorism. Law enforcement leaders must act with urgency and not wait for an outside stimulus to prompt them to action. In the case of most state police agencies, one major responsibility is the security of transportation infrastructure. If not already completed, thorough analysis and assessment needs to be conducted to prioritize and identify actions that may contribute to safeguarding the transportation system. Operational plans must be developed and expectations and mission must be communicated. These steps are critical for state law enforcement agencies to successfully integrate the Homeland Security mission with existing responsibilities.

### **A. GEOGRAPHIC PLANNING**

Operational plans should be specific to each geographic area and include individualized analysis of high priority targets for that area. Prevention activities should

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<sup>53</sup> *National Strategy for Homeland Security* (Washington D.C: Office of Homeland Security, The White House, July 2002), ix.

be dependent on the decision points for deployment changes that are adopted by leaders. All agencies have unique considerations and will need to coordinate transportation infrastructure protection with other responsibilities. The plans should include prioritized areas to work traffic law enforcement when decision points have been reached. Balancing responsibilities requires the effective and efficient deployment of officers to the right mission at the right place at the right time.

Vulnerability analysis is necessary to prioritize transportation security responsibilities. Possible targets must be identified along with their associated vulnerabilities. The effectiveness of plans relies in part on the analysis of what type of terrorist group is likely to attack each target and their associated propensities for attack. Knowing the tactics used by likely attackers should lead to recommendations of appropriate counter measures and cost estimates. Davis and Jenkins write, “Terrorists are not a single foe, and no simple theory of deterrence can possibly apply to the spectrum that ranges from anti-U.S. or anti-Israeli “martyrs” to members of American right-wing militias”<sup>54</sup> Involvement and assistance from intelligence units to obtain and analyze this type of information is critical to planning. Vulnerability analysis of potential targets is a critical task for intelligence units. Mark Lowenthal writes, “Policy makers have a constant need for tailored, timely intelligence that will provide background, context, information, warning, and an assessment of risks, benefits, and likely outcomes.”<sup>55</sup>

## **B. INTELLIGENCE**

Intelligence is more than information. It is the analysis of information gathered from diverse sources that provides conclusions or estimates. It should be a product that helps police executives in planning or taking specific actions. The philosophy of intelligence-led policing has been recognized as a means to help agencies with proactive guidance and direction to address complex issues.

Police intelligence units must provide leaders with information and analysis to assist them in making reasoned decisions directed at optimizing the efficiency and

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<sup>54</sup> Davis and Jenkins, *Deterrence & Influence in Counterterrorism*, 7.

<sup>55</sup> Mark M. Lowenthal, *Intelligence: From Secrets to Policy*, (CQ Press, Washington DC, 2003), 3.

effectiveness of resources. Intelligence will never be perfect but its value in assigning the right assets to the right place at the right time can be critical especially in an environment of limited resources. It is necessary for law enforcement leaders to understand their role in intelligence and remain involved in the process so they can maximize its value. Leaders must be clear in communicating to intelligence units what their information requirements are. Mark Lowenthal writes, “It is important to understand that the policymaker is not a passive recipient of intelligence, but rather actively influences all aspects of intelligence.”<sup>56</sup> Involvement and regular feedback is the key. There is more intelligence work to be done than we have the resources to do it. It is for that reason that intelligence unit activities must be controlled. Robert Steele writes, “The new craft of intelligence produces what consumer needs, when they need it, tailored to the context of their need...(it) does not burn up its analysts with routine production – all production is hand-crafted to support a specific decision.”<sup>57</sup>

The intelligence cycle is a basic model of how the intelligence process should be viewed and how interaction between stakeholders should occur. The model and terminology changes slightly depending on the source but the basic tenets remain the same. The cycle starts with policy-makers guidance and direction and allows for continuous evaluation and feedback between the consumers and the producers of intelligence. The intelligence cycle revolves around mission and goals, and intelligence activities and analysis should be similarly directed. Each part of the cycle must be evaluated to ensure each successive step is successful. Proper planning and direction guides the collection and processing of information and defines how the information should be analyzed to meet identified needs. The following illustration of the intelligence cycle is adapted from a joint U.S. military publication.<sup>58</sup>

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<sup>56</sup> Lowenthal, *Intelligence: From Secrets to Policy*, 2.

<sup>57</sup> Robert David Steele, *The New Craft of Intelligence: Personal, Public, & Political*, (OSS International Press, Oakton Virginia, 2002), 155.

<sup>58</sup> Joint Chiefs of Staff, “Joint Publication 2-0: Doctrine for Intelligence Support to Joint Operations,” (Washington DC, March 9, 2000), vi.

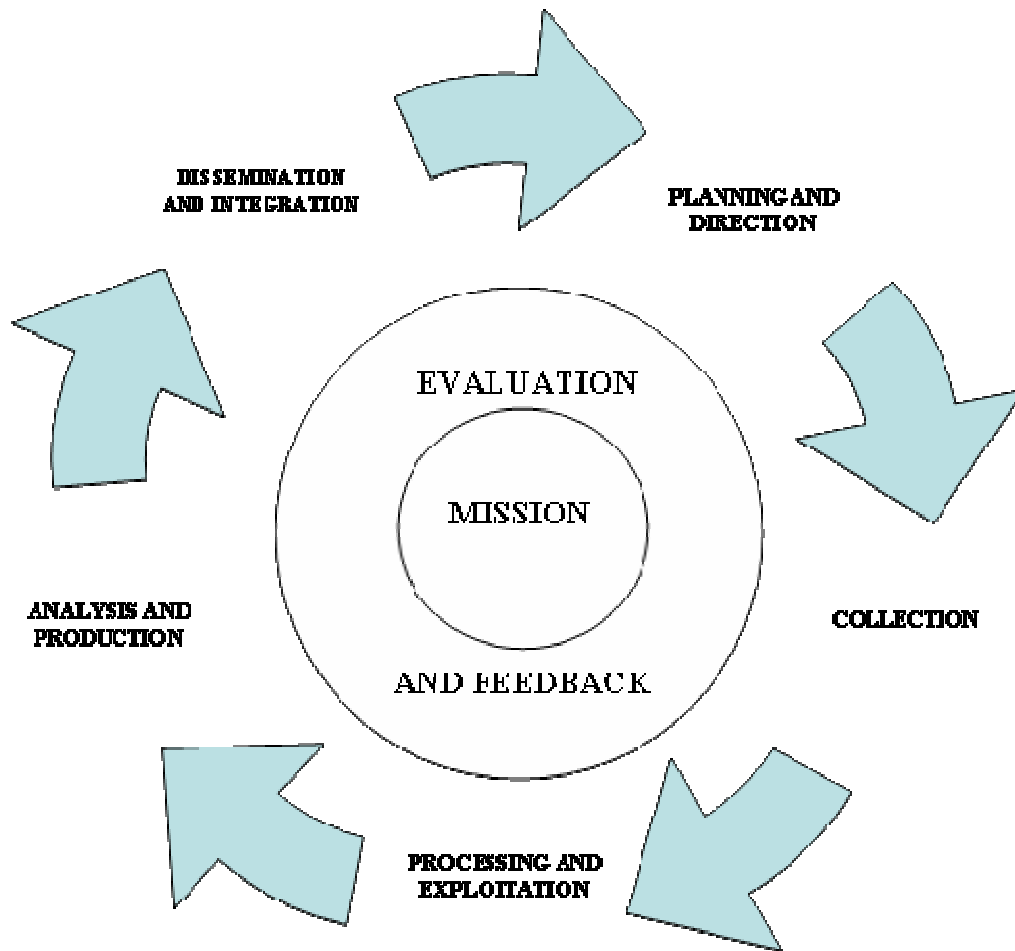


Figure 2. The Intelligence Cycle

Intelligence is necessary in every part of security planning from analyzing vulnerabilities to deploying prevention measures. There are two main purposes for a police intelligence unit. The first purpose is the more traditional role and understanding of police intelligence such as gathering information to arrest criminals and assist in crime reduction or mitigation strategies. The second purpose is less practiced and involves planning and deployment strategies including identifying targets and their associated vulnerabilities along with time parameters for actionable information. Information on



emerging threats, characteristics and tactics to aid in implementation of prevention measures will help law enforcement leaders to efficiently and effectively deploy limited resources.<sup>59</sup>

It is suggested that officers deployed based upon intelligence may provide a more effective deterrence to terrorism. Townshend writes, “The only chance of success in this direction (active measures) lies in an effective intelligence system”<sup>60</sup> Prioritized threats and vulnerabilities allow law enforcement to be focused around the most likely terrorist targets and meet a critical threshold of activity to achieve deterrence.<sup>61</sup> There is the opportunity to find synergy between a primary traffic safety mission and protecting critical infrastructure through visible pro-active patrols around prioritized targets at critical times.

Intelligence will not be the savior of all we hold dear but it is an important piece of the overall work effort. There must be a clear understanding that it is not an option to wait until the intelligence unit provides rock solid information of an impending attack. It will be a rare case when an analyst is able to provide convincing and unqualified belief of a future action. Richard Betts argues that intelligence failures are inevitable and states, “...the imperatives of honesty and accuracy leave a careful analyst no alternative but ambivalence...There is usually some evidence to support any prediction.”<sup>62</sup>

### **C. COMPETING DEMANDS**

Competing demands for law enforcement resources was discussed in Chapter 2 and emphasizes the need to have timely intelligence and analysis. It is not realistic to believe that law enforcement will have the capacity to dedicate resources to all possible targets on a full time basis. This fact suggests the need to predict the timing of attacks. When research and intelligence are able to identify a likely attacker for a specific target

<sup>59</sup> David L. Carter, “The Law Enforcement Intelligence Function: State, Local, and Tribal Agencies,” FBI Law Enforcement Bulletin 74, no. 6 (June 2005): 2-5.

<sup>60</sup> Townshend, *Terrorism: A Very Short Introduction*, 121.

<sup>61</sup> Henry Lando and Steven Shavell, “The Advantage of Focusing Law Enforcement Effort,” Discussion Paper No. 357, (Harvard Law School, March 2002).

<sup>62</sup> Loch K Johnson, James J. Wirtz, *Strategic Intelligence: Windows into a Secret World* (Los Angeles: Roxbury Publishing, 2004), 101.

then additional steps can be taken to guard against likely attack scenarios. An example is; al Qaeda or a similar group are the most likely to launch a terrorist attack against a target like the Washington State Ferries.<sup>63</sup>

Joshua Sinai provides a study and analysis that suggests a methodology to predict the timing of attacks. Religious terrorist groups such as al Qaeda place great value on dates that are significant to them which suggests a likelihood of attacks on those days. A study of actual attacks reveals correlation with some of these dates though the attacks have been minor and inconsistent. The dates include: <sup>64</sup>

- 17 January (Start of Desert Storm)

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<sup>63</sup> Domestic terrorism groups are a threat in the United States, but are not likely to target WSF. Single issue groups are prevalent in the state of Washington. Groups concerned with animal rights and the environment such as PITA and ELF, have engaged in numerous attacks in Washington, including research labs at the University of Washington and arson at new construction projects. These types of groups have position statements that clearly state that they do not support attacks that would injure or kill humans. Some of the most radical elements of these groups have stated that they do support killing people if it will further their cause. They identify their targets as employees of companies engaged in behavior they don't like, or their customers or families; targeted attacks that should not include WSF.

Domestic right wing groups are prevalent in the United States, particularly in the Northwest. The Patriot/Identity theology movement in Idaho with recently deceased Richard Butler is a well known example. Gary Mathews, who died in a shootout with the FBI on Whidbey Island WA, is another. Gary Mathews initially adhered to the Identity theology and later acted on Neo-Nazi and Odinitic ideology. The right wing has primarily been stockpiling, waiting for the government to attack them. The attacks they have initiated have been primarily aimed directly at the government, such as Oklahoma City. Timothy McVeigh, the perpetrator of the Oklahoma City Federal Building bombing was not working with an organized group, but was influenced by the ideology and had strong anti-government feelings. Attacks from Patriot/Identity adherents would likely be the lone-wolf type attack, like McVeigh. It would not be prudent to ignore this movement for terrorism concerns in general, but it should not be the focus of deterrence plans.

International terrorists are the most likely to attack a target like WSF. Ethnic terrorist groups are prevalent around the world, but are not the ones likely to strike a WSF vessel. These groups are not active in the State of Washington and the United States. The groups predominantly have used attacks in their area of influence rather than going overseas. International attacks may not have the same influence on their specific segment of population. Groups such as ETA and PIRA would have little to gain from targeting the United States, and likely would suffer a loss in their ability to raise funds from such attacks. History does not support foreign ethnic terrorist groups targeting the US.

Religiously inspired international groups like al Qaeda should be the greatest concern for WSF. They are known for indiscriminate killing. They value large visible attacks with mass casualties as well as attacks on symbolic targets. A terrorist attack on WSF could have the multiple affect of hitting a military target and striking a symbolic target of western decadence in the form of a cruise ship. Using a ferry as a weapon, terrorists could select cruise ships, US Navy ships, or a popular hotel as a target. Seattle is a high profile city with international recognition especially across the Pacific Rim. Seattle is a regular meeting place for Asian Pacific trade conferences and one of the busiest ports in the United States. An attack on WSF would have economic effects on the Puget Sound region which relies on cross-sound transportation for goods, services, commuters going to and from work, and tourism.

<sup>64</sup> Joshua Sinai, "How to Forecast and Preempt al-Qaeda's Catastrophic Terrorist Warfare," *Journal of Homeland Security* (August 2003).

- 19 March ( Jerusalem Day)
- 30 March (Land Day for Israeli Arabs)
- 7 May (Israeli Independence Day)
- 31 May (Pilgrimage to Mecca Begins)
- 5 June (Start of Six Day War)
- 4 July (US Independence Day)
- 1 January (New Years Day)

Triggers are the second predictor of timing for al Qaeda. Triggers are current events that compel the terrorists to act quickly. Military defeats or trials of captured terrorists are likely triggers. An example is the 9/11 attack preceded the September 12 sentencing of conspirators in the African Embassy Bombings.<sup>65</sup>

The Washington State Patrol (WSP) is the security agency for Washington State Ferries and as such should be aware of this information. Monitoring critical dates and triggers, and communicating information to the field must be done by the WSP Intelligence Unit. While there are not sufficient resources to assign troopers to likely terrorist targets on a dedicated basis, periodic deployments to target areas are possible. If terrorists are using pre-operational surveillance as believed, this strategy could be effective even for unsuspected timing of attacks. An unusually high volume of police in the area of a terrorist target could deter terrorist plans.

There is broad agreement that there is a need for intelligence and analysis that allows prevention activities to flourish. The National Strategy for Homeland Security states,

Actionable intelligence is essential for preventing acts of terrorism. The timely and thorough analysis and dissemination of information about terrorists and their current and potential activities allow the government to take immediate and near-term action to disrupt and prevent terrorist acts...<sup>66</sup>

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<sup>65</sup> Sinai, "How to Forecast and Preempt al-Qaeda's Catastrophic Terrorist Warfare," 9-10.

<sup>66</sup> Office of Homeland Security, *National Strategy for Homeland Security*, (Government Printing Office, Washington DC, 2002), 16.

#### **D. ACCOUNTABILITY (COMPSTAT)**

After initial planning and action is accomplished there is a need for relentless follow-up and accountability. As memories of 9/11 fade it will be necessary to guard against complacency. Accountability within law enforcement agencies must be institutionalized to ensure consistent action. One method that has proven successful for law enforcement and appears well suited for this task is called Computer Driven Statistics (Compstat).

Compstat was started in New York City in 1994, and has subsequently been used by numerous police agencies to drive down crime and collision rates. It is a form of accountability driven leadership or data driven leadership that puts the emphasis on regularly scheduled face to face meetings between executive level managers and their subordinates. The purpose of the meetings is to ensure that commanders are aware of problems in their areas and that they are taking the necessary steps to effectively confront those problems. A recent article describes the philosophy as, “The basic philosophy of Compstat is to collect and analyze accurate and timely intelligence, find patterns and problem areas, develop strategies to attack crime, deploy resources rapidly, and follow up relentlessly.”<sup>67</sup>

Similar to the fundamentals of Compstat, the interaction between intelligence and field commanders can be questioned as well as the use of data driven decision-making to drive deployment decisions. Monthly meetings that include intelligence officers and field commanders would provide the opportunity for interaction as well as clear direction of information needs communicated by policy makers to the intelligence unit. As was discovered with Compstat, if commanders have real time information on trends, they can be more effective in deploying resources. An FBI Law Enforcement Bulletin provides an illustration and sound assessment of the ability to bring Compstat and intelligence-led policing together.<sup>68</sup>

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<sup>67</sup> “The Disconnected Cop,” Baseline Magazine, (September 10, 2002), <http://www.baselinemag.com/article2/0,3959,1150005,00.asp> [Accessed July, 17, 2005].

<sup>68</sup> Carter, *The Law Enforcement Intelligence Function*, 6.

Comparing Compstat and Intelligence-Led Policing		
Compstat	Commonalities	Intelligence-Led Policing
<ul style="list-style-type: none"> <li>• Single jurisdiction</li> <li>• Incident driven</li> <li>• Street crime and burglary</li> <li>• Crime mapping</li> <li>• Time sensitive (24-hour feedback and response)</li> <li>• Disrupt crime series (e.g., burglary ring)</li> <li>• Drives operations <ul style="list-style-type: none"> <li>• Patrol</li> <li>• Tactical unit</li> <li>• Investigators</li> </ul> </li> <li>• Analysis of offender MOs</li> </ul>	<ul style="list-style-type: none"> <li>• Each has a goal of prevention</li> <li>• Each requires <ul style="list-style-type: none"> <li>• Organizational flexibility</li> <li>• Consistent information input</li> <li>• A significant analytic component</li> </ul> </li> <li>• Bottom-up driven with respect to operational needs</li> </ul>	<ul style="list-style-type: none"> <li>• Multijurisdiction</li> <li>• Threat driven</li> <li>• Criminal enterprises and terrorism</li> <li>• Commodity flow; trafficking and transiting logistics</li> <li>• Strategic</li> <li>• Disrupt enterprises</li> <li>• Drives operations <ul style="list-style-type: none"> <li>• JTTF</li> <li>• Organized crime investigations</li> <li>• Task forces</li> </ul> </li> <li>• Analysis of enterprise MOs</li> </ul>
<i>Note: Correlated goals and methodologies make both concepts complement each other.</i>		

Figure 3. Comparing Compstat and Intelligence-Led Policing  
(From FBI Law Enforcement Bulletin)

Many jurisdictions have a large number of possible targets with multiple targets considered critical. They also have other law enforcement responsibilities, which together, can result in a lack of focus. Regular review and accountability through a Compstat model could ensure that potential targets are prioritized and resources are focused at the right times and in sufficient quantity to create deterrence.

#### E. SPECIAL CONSIDERATIONS

Intelligence based deployments may need to be modified to meet mandates from entities outside of the individual law enforcement agency. These mandates may come from elected officials or other governmental agencies. An example of the latter is the WSP and their responsibility for security on Washington State Ferries. Ferry security must comply with marine security directives enforced by the Coast Guard for ferries to

continue to operate. Intelligence may support a different allocation of resources yet federal regulations would still require the maintenance of certain security measures. As agencies become better educated and able to create more complex security systems that have the ability to create greater deterrence they must be submitted to regulating authorities so requirements can be modified.

Departure from strict intelligence based deployments may be necessary to meet public and political expectations and suggests the need for additional education. Bruce Hoffman writes, “The distortion in perception that results in higher probabilities being accorded to terrorism than to other life-threatening acts is in large measure doubtless a direct reflection of the disproportionate coverage accorded to terrorism by the American media.”<sup>69</sup> Education has the possibility of bringing actual deployments closer to what a mathematical risk management model would indicate.

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<sup>69</sup> Hoffman, *Inside Terrorism*, 149.

## **VIII. STRATEGIES FOR DEPLOYMENT**

Traffic law enforcement officers around the country are an existing resource that can be used to impact Homeland Security. Key to prevention efforts is the ability of managers to efficiently and effectively deploy resources. Resource constraints require decisions to be made between competing demands. Previous chapters have examined factors that should be considered in deployment decisions. Now we will consider what strategy to use in making deployments. For the purpose of our analysis we will consider the example of the Washington State Patrol's use of traffic officers for Homeland Security assignments, specifically on state ferries. We will assume that resources are constant and not subject to increase.

An infinite number of deployment options exist for traffic law enforcement officers but most can be grouped into three main categories that are currently being used by law enforcement agencies. The criteria included in the matrix reflect the issues in previous chapters. While it may seem apparent which deployment strategy is the most efficient, the realities of political pressure and regulatory constraints provide additional factors that must be considered. The decision support tool in Table 2 provides a framework and system for executives to use when they are faced with decisions to shift officers from their traditional tasks to terrorism prevention activities.

### **A. CRITERIA**

- a. Effectiveness: This criterion relates to the likelihood that the action will have the intended effect of increased deterrence or terrorism prevention.
- b. Cost: Relates to how efficient the deployment of resources will be under that system. This would include a cost-benefit analysis and evaluation of the opportunity cost associated with the change of assignments.
- c. Regulatory Compliance: Includes compliance with state or federal laws or regulations.
- d. Political Acceptability: Analysis of public or political reactions to the result of a given system for deployment decisions. This includes public expectations, civil liberty issues, and political pressure or concerns.

## **B. OPTIONS**

A fundamental decision must be made on how the WSP will deploy officers to deter terrorism. The options considered reflect the three main strategies currently used by law enforcement around the country.

1. Officers can continue to be deployed to their traditional tasks, that is, no specific direction on where or when to place additional pro-active traffic law enforcement patrols and no shifting of traffic officers to fixed security posts. This strategy relies on randomness and only becomes targeted when there is specific threat information provided.

For the WSP this option can be used for most transportation infrastructure but poses concerns for state ferry security. Marine security regulations require higher percentages of vehicle screenings to be completed on the ferry system as threat levels increase. Taking this approach could result in the closing of the state ferry system or curtailing the number of vessel trips if the WSP did not meet screening standards and refused to assign traffic officers to fixed security assignments. This action would be unacceptable to the public and to the stated position of government officials to have the ferry system schedule remain intact. It should be noted that current strategies include the use of federal grants to pay officer overtime to meet additional security requirements. Overtime results in a minimal impact to traffic safety services.

The core value of this strategy is that the main WSP mission of traffic safety remains the priority for deployment of officers. Charles Townshend provides some support for this course of action when he indicates that terrorism is not as much of a danger to the United States as traffic accidents. He further points out that preventive action is much more effective for traffic safety than it is for terrorism.<sup>70</sup>

Detrimental aspects of this strategy include ignoring information that could provide value to the greater law enforcement mission of public safety. This strategy will likely result in little concentration of law enforcement and little deterrence. It ignores the times of increased threat of terrorist attack and does not consider the increased deterrence

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<sup>70</sup> Townshend, *Terrorism: A Very Short Introduction*, 115-116.



that targeted traffic law enforcement can create. It does not explore the ability to combine missions by working traffic safety in areas that can also provide terrorism deterrence at key times. Further, it does not recognize political realities and the need to provide some action to meet public expectations and alleviate fear. Townshend recognizes this when he states, “But the option of ignoring terrorism is not available. It might be rational, but it is psychologically and politically impossible...”<sup>71</sup>

2. A second option is to build a matrix of actions that change the deployment of officers based upon a nationwide or region specific change in the Homeland Security Advisory System.<sup>72</sup>



Figure 4. Homeland Security Advisory System  
(From U.S. Department of Homeland Security Website)

Threat warning levels were originally changed on a nationwide basis. Recent changes have been more specific to regions or the types of infrastructure threatened but have still been broad in nature. The threat level was raised to orange on July 7, 2005 after the bus and train bombings in London. U.S. Department of Homeland Security (DHS) Secretary Michael Chertoff stated that DHS had asked for additional security on “major transit systems”, but indicated there was no “specific intelligence indicating that

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<sup>71</sup> Townshend, *Terrorism: A Very Short Introduction*, 116.

<sup>72</sup> Homeland Security Advisory System illustration, U.S. Department of Homeland Security, <http://www.dhs.gov/dhspublic/display?theme=29> [Accessed January 14, 2006].

this type of attack is planned in the United States.”<sup>73</sup> The threat level was, however, raised from yellow to orange and was targeted only to the mass transit portion of the transportation sector.<sup>74</sup> Marine Security Levels (MARSEC) were raised as well from level one to level two resulting in traffic troopers being redeployed from traffic law enforcement to fixed security at ferry terminals to meet federal requirements. The forced redistribution of resources from federal regulations remains a constraint for the WSP, but one that can be challenged by having alternative security plans approved by the Coast Guard. One must question the effectiveness of a federal strategy that increases predictability of screening procedures without achieving total coverage. Maximizing screening numbers is only accomplished through working high volume routes at high volume times. Adding complexity (as discussed in Chapter 4) to procedures through additional security layers that could include targeted traffic law enforcement should be considered if mandates continue to be based on the HSAS or MARSEC Levels.

Similar to MARSEC mandates, deployment based on the HSAS has been voluntarily incorporated by many agencies that send officers to specific high profile/high threat areas when the warning level reaches orange. There are positive outcomes to this option as it responds to intelligence that suggests that there are increased threats to our nation. It provides agencies the ability to assure citizens that they have plans in place to respond to times of heightened terrorism alerts. Citizens can see tangible changes to security when they have been informed of increased threat levels which help to give them comfort and decrease some of the fear that the terrorism threat warning level creates.

One must consider, however, that basing deployment on broad warnings may do more harm than good. Changes in deployment that decrease focus on other priorities of law enforcement come at a cost. Redirecting resources that could be used to solve crimes or provide greater traffic safety deterrence can cost lives. Changing the deployment of officers based upon general threat levels is not likely to place officers where they are most needed at the right times.

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<sup>73</sup> Department of Homeland Security Press Release, (July 7, 2005), <http://www.dhs.gov/dhspublic/display?content=4576> [Accessed January 14, 2006].

<sup>74</sup> CNN Transcript, (July 7, 2005), <http://transcripts.cnn.com/TRANSCRIPTS/0507/07/bn.05.html>, [Accessed January 14, 2006].

3. Deploying officers based on intelligence is the final option and is recommended. This option would maximize the impact to Homeland Security when traffic troopers were removed from their routine patrols. This option considers much of what is already happening or should be happening in communities around the nation. Vulnerability analysis of critical community assets with heavy involvement of local intelligence units is the first step. Each geographic area considers likely targets in their analysis. For each target, analysts determine the most likely terrorist groups or types of groups that would value that target. Tendencies and tactics of those groups, including information on timing can then be analyzed to design countermeasures that can either deter or increase the chance of detection. Meetings between the intelligence unit and field commanders would discuss the analysis including possible timing predictors and anticipated world events that could provide triggers. Field commanders could then consider the analysis to make specific deployment decisions based on the totality of circumstances. Targeted patrols could be used to create deterrence at the most likely time of attack.

A downside to this option is that it would not assist the WSP in meeting current regulatory requirements for the state ferry system. It may, however, provide one factor that could be used in an alternative security plan that would allow other requirements to be diminished. The result could add deterrence to the security system through complexity and unpredictability while decreasing the number of troopers taken completely away from traffic duties for fixed post assignments.

<b>POLICY</b>	<b>Effectiveness</b>	<b>Cost</b>	<b>Regulatory Conformance</b>	<b>Political Acceptability</b>
<b>No Routine Deployment (Awareness)</b>	<b>Poor</b>	<b>Good</b>	<b>Poor</b>	<b>Poor</b>
<b>Homeland Security Advisory System</b>	<b>Fair</b>	<b>Poor</b>	<b>Good</b>	<b>Good</b>
<b>Intelligence Based Deployment</b>	<b>Good</b>	<b>Fair</b>	<b>Fair</b>	<b>Fair</b>

Table 2. Decision Support Tool

Table 2 illustrates why intelligence based deployments may not be practiced as much as deployments based on the Homeland Security Advisory System (HSAS). Deployment based on HSAS rate reasonably high on all criteria except cost effectiveness. Cost has not been a major concern for many agencies as they have received special funding through federal grants or through their own legislative bodies.

There is little incentive to change deployment when additional costs are offset by additional funding. Receiving grants to cover the costs of programs designed around reliance on overtime may not continue indefinitely. As we venture farther away from 9/11 and funds are shifted to other priorities of government, this system will make less sense. The time to prepare for the needed changes is now.

Education of the public and politicians can help to change the acceptability of items as they relate to regulatory conformance and political acceptability. The current public and political pressure to do something, anything, is subject to change. This is most true when we are at heightened security levels. The general public does not have the information or inclination to make rational risk management decisions about what should be done, they just want to see that actions are taken. Education on risk management and important traditional priorities must take place to change attitudes. The public and

politicians must come to understand that we cannot protect everything and that attacks may happen. To increase political acceptability agencies must have reasoned strategies and be able to explain why actions were chosen. Regulators may allow modifications to existing security requirements when comprehensive strategies are in place that have a high degree of public and political acceptability. Priorities may change with the expectations and concerns of politicians and the public but the considerations of efficiency and effectiveness must always remain a central part of the conversation.

Table 2 also suggests that if intelligence based deployments are the most effective and cost efficient system then it should be acceptable to federal regulators. Consideration of a layered and complex security system for WSF should be designed and presented to the Coast Guard as allowed under the Alternative Security Plan program. This type of security will have the greatest chance of balancing missions and creating deterrence to keep citizens safe.

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## **IX. CONCLUSION**

This thesis is a call for action. Its intent is to point out the need for deliberate action by law enforcement leaders. All agencies should consider how each part of their organization can be involved in Homeland Security. Traffic patrols are one area that holds promise for making a difference. Plans will be different for each agency as capabilities and responsibilities are different, but everyone can do something. The last section of this chapter will provide some thoughts on the implementation of plans to involve traffic officers in prevention or to make them more effective for Homeland Security.

### **A. SUMMARY**

At the beginning of this paper the question was posed as to how traffic law enforcement officer deployment should change in the post-9/11 world. While there cannot be one answer that covers all agencies, there are guidelines and decision-making tools that can help. It is apparent that terrorism prevention cannot be ignored and it is equally apparent that large numbers of officers should not be dedicated to terrorism prevention at the cost of their other responsibilities. Selective deployment of officers for short periods to terrorism prevention is more efficiently accomplished with intelligence based deployment rather than reliance on the Homeland Security Advisory System. Law enforcement leaders must start with planning and deliberate action to make this happen.

Traffic law enforcement is a proven crime reduction tool. Studies have demonstrated that targeted traffic law enforcement can be effective in combating non-traffic crime. The key to deterrence in the studies cited appears to be targeting. Studies indicate that random patrols have less effect than concentrating resources on specific areas of concern. Deliberate action by law enforcement leaders is necessary to see that deployment of traffic officers is done in a way that can have the greatest impact on terrorism prevention. Random patrols have some value as evidenced by contacts with

Timothy McVeigh and some of the 9/11 hijackers. Random contacts, however, should not be confused with deterrence nor create the notion that random patrols are the best system of deployment.

Involvement of the intelligence community in planning is critical. Law enforcement leaders must maintain regular communication with their intelligence units and ensure that their information needs are known. Intelligence units should be involved in vulnerability analysis and identify the most likely groups and tactics that would impact possible targets. They can further identify propensities demonstrated by terrorist groups such as al Qaeda that use dates of significance and trigger events to time their attacks. Prioritizing possible targets and timing for increased patrols is critical for efficient and effective deployment decisions.

Planning, data, and accountability are necessary for maintaining focus on terrorism prevention. A Compstat type model for accountability of terrorism prevention efforts is a good fit with the intelligence-led policing model and helps to ensure consistent and continuing action. This model has proven effective for many police agencies' crime reduction efforts and is also being used by some organizations to combat terrorism.

Building trust between the public and police is important to American society in general but also important for terrorism prevention strategies. Trust will enable better information exchange between the community and law enforcement, and can provide valuable information for intelligence units. Traffic stop data collection and analysis is one way to improve community trust of the police. Police policies of involvement and openness with the public and media are also necessary. Police contact data analyzed by outside entities, and thorough and open internal investigation processes, are positive steps to reach out to the community. Controversial practices can gain public acceptance when law enforcement provides their policies and research to the community, which demonstrates that appropriate safeguards are in place to ensure civil liberties.

Deliberate action is necessary to ensure law enforcement does everything possible to prevent terrorism. All known information about threats, tendencies, and tactics of



terrorists must be analyzed and provided to commanders for deployment decisions. It is unacceptable to just hope that officers will stumble upon terrorists through random patrol. Traffic officers can be deployed to work around potential targets at the most likely times of attack to maximize deterrence efforts. Traffic safety emphasis patrols can be moved to areas of high terrorism concern, having the dual affect of providing prevention for terrorism and traffic safety. Partnership and communication between field commanders and their intelligence unit will give law enforcement the greatest chance of success in keeping our nation safe.

The time to act is now. Traffic units have the ability to add capacity to Homeland Security prevention efforts. A systematic plan for each agency should be developed and implemented. Figure 5 provides an example of a planning document that can help to understand the process of shifting to a new strategy of deploying traffic law enforcement officers to benefit Homeland Security. It provides a framework for moving from goals and objectives to action plans. It also provides for follow-up through performance measures.

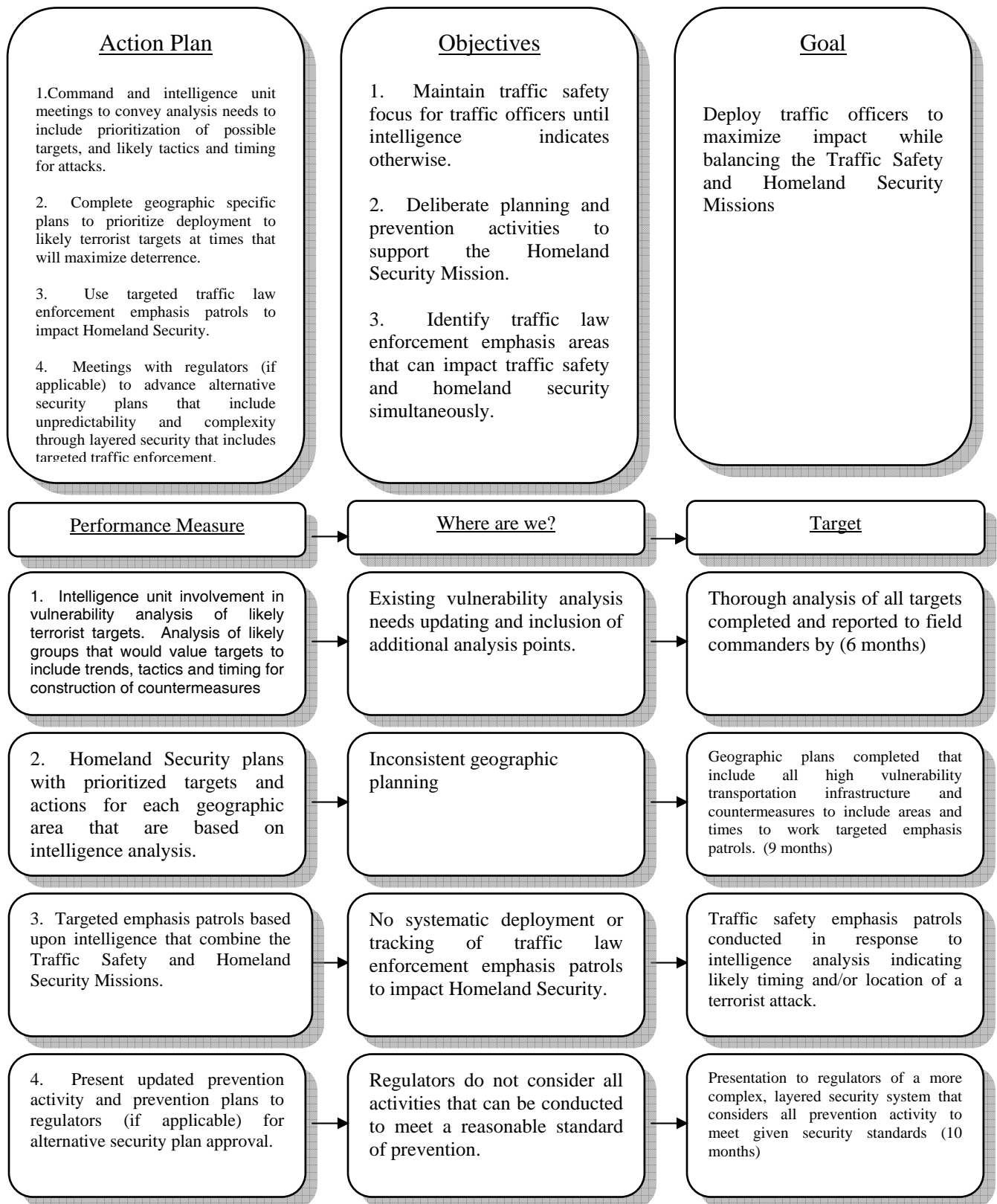


Figure 5. A Plan for Implementation of Intelligence Based Deployment of Traffic Law Enforcement Officers for Homeland Security

## **B. IMPLEMENTATION**

Implementation of the strategies proposed by this thesis requires support from executive level leaders of agencies. Public and political acceptability and analysis of the effectiveness of the program will determine their level of support. To aid leaders in making decisions, they will need to be educated on the current status of deployments and what options exist for change. They must come to understand that their organizations can do more than they are now, and that it is possible to affect the Homeland Security and Traffic Safety Missions simultaneously.

A pilot program in one area is the recommended implementation strategy. A trial in a single area will resolve unforeseen issues before the program is expanded. A commander who believes in the program will be able to work through the initial problems and frustration often experienced with new initiatives. It would provide an opportunity to work through needed changes and modifications minimizing the interference of skeptics who – at some level – may want to see the program fail. It is important that implementation be preceded by agreement to change the priorities of the intelligence unit to complete the analysis requirement. Implementing the program in a single area will allow a phased in workload for the intelligence unit as well as testing the availability of information. It will also test the ability of the intelligence unit to complete timely analysis and communicate it in a usable format.

Some degree of skepticism and resistance is likely with the implementation of any new strategy. Law enforcement officers, similar to practitioners in many other disciplines, have strong individual ideas of how their work should be performed. They value their traditional roles and the freedoms that they enjoy in their daily activities. Additional targeted emphasis patrols may create discontent for some officers because of the specific direction on how they will spend proactive enforcement time. Officers need to be educated on the reasons for the proposed change including the research on the effectiveness of targeted traffic law enforcement patrols. The support of line officers is critical to the efficiency and effectiveness of any deployment strategy.

Dissenters to this plan will state that more needs to be done for Homeland Security while others will argue that this is too much and unnecessary. Public views range from a total focus on traffic safety to abandoning enforcement of traffic laws because there are terrorists in our midst intent on doing us harm. Deliberate planning and action can provide both extremes of this argument, as well as the majority who are somewhere in-between, a reasoned approach aimed at balancing the two missions while maximizing the total affects.

President Andrew Jackson was quoted as saying, “The brave man inattentive to his duty, is worth little more to his country than the coward who deserts in the hour of danger.”<sup>75</sup> Brave and capable people fill the leadership positions of America’s law enforcement agencies. Let it not be said that they were inattentive to considering their role in the Homeland Security of the United States.

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<sup>75</sup> President Andrew Jackson, Wikiquote, [http://en.wikiquote.org/wiki/Andrew\\_Jackson](http://en.wikiquote.org/wiki/Andrew_Jackson) [Accessed January 19, 2005].

## LIST OF REFERENCES

- American Civil Liberties Union. Operation Pipeline Report.  
[www.aclunc.org/discrimination/webb-report.html](http://www.aclunc.org/discrimination/webb-report.html) [Accessed September 2005].
- Atran, Scott. "Genesis of Suicide Terrorism," *Science*, vol. 299, (March 7, 2003).
- Baseline Magazine. "The Disconnected Cop." September 10, 2002.  
<http://www.baselinemag.com/article2/0,3959,1150005,00.asp> [Accessed July, 17, 2005].
- Borum, Randy. *Psychology of Terrorism*. Tampa: University of South Florida, 2004.  
[www.ncjrs.org/pdffiles1/nij/grants/208552.pdf](http://www.ncjrs.org/pdffiles1/nij/grants/208552.pdf) [Accessed November 8, 2005].
- Brandl, Steven G. "Back to the Future: The Implications of September 11, 2001 on Law Enforcement Practice and Policy" *Ohio State Journal of Criminal Law* 1:133 (2003).
- Carter, David L. "The Law Enforcement Intelligence Function: State, Local, and Tribal Agencies." *FBI Law Enforcement Bulletin* 74, no. 6 (June 2005).
- CNN.com. "Hamas' Past Casts Shadow Over Peace Plan." January 26, 2006.  
[www.cnn.com/2006/WORLD/meast/01/26/palestinian.election/index.html](http://www.cnn.com/2006/WORLD/meast/01/26/palestinian.election/index.html) [Accessed February 18, 2006].
- CNN Transcript. July 7, 2005.  
<http://transcripts.cnn.com/TRANSCRIPTS/0507/07/bn.05.html>, [Accessed January 14, 2006].
- Davis, Paul K. and Brian Michael Jenkins. *Deterrence & Influence in Counterterrorism: A Component in the War on al Qaeda*. RAND National Defense Research Institute, 2002.
- Di Tella, Rafael and Ernesto Schargrodsky. "Do Police Reduce Crime? Estimates Using the Allocation of Police Forces After a Terrorist Attack." *American Economic Review* 94, no.1 (March 1, 2004): 115-133.
- Forging America's New Normalcy: Securing Our Homeland, Preserving Our Liberty. The Fifth Annual Report to the President and the Congress of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction*. December 15, 2003.
- Gallup Poll. The Gallup Organization. December 9, 1999.  
<http://poll.gallup.com/content/default.aspx?CI=3421>, [Accessed January 12, 2006].
- Gallup Organization. "Quick Response Survey #2 (Draft)." Washington, D.C., January 2005.

- Harris, Wesley. "Does Traffic Enforcement Reduce Crime?" *Law and Order*, May 1999.
- Hewitt, Christopher. *Understanding Terrorism in America From the Klan to Al Qaeda*. London: Routledge, 2003.
- Hoffman, Bruce. *Inside Terrorism*. New York: Columbia University Press, 1998.
- Hoffman, Bruce, David W. Brannan, Eric Herren, Robert Matthiessen. *Preparing for Suicide Terrorism: A Primer for American Law Enforcement Agencies and Officers*. Santa Monica, CA: RAND Corporation, 2004 (For Official Use Only).
- Jackson, President Andrew. Wikiquote. [http://en.wikiquote.org/wiki/Andrew\\_Jackson](http://en.wikiquote.org/wiki/Andrew_Jackson), [Accessed January 19, 2005].
- Johnson, Loch K. and James J. Wirtz. *Strategic Intelligence: Windows into a Secret World*. Los Angeles: Roxbury Publishing, 2004.
- Joint Chiefs of Staff. "Joint Publication 2-0: Doctrine for Intelligence Support to Joint Operations." Washington, D.C., March 9, 2000.
- Kelling, George L. Tony Pate, Duane Dieckman, and Charles E. Brown. "The Kansas City Preventive Patrol Experiment: A Summary Report." Washington, DC, 1974. <http://www.policefoundation.org/pdf/kcppe.pdf> [Accessed July 19, 2005].
- Lando, Henry and Steven Shavell. "The Advantage of Focusing Law Enforcement Effort." Discussion Paper No. 357, Harvard Law School, March 2002.
- Lovgren, Stefan. "Suicide Attacks Evolving, Increasing." *National Geographic News*, July 29, 2005. [http://news.nationalgeographic.com/news/2005/07/0729\\_050729\\_suicide.html](http://news.nationalgeographic.com/news/2005/07/0729_050729_suicide.html) [Accessed January 10, 2006].
- Lowenthal, Mark M. *Intelligence: From Secrets to Policy*. Washington, D.C.: CQ Press, 2003.
- Madsen, Julian. "Suicide Terrorism: Rationalizing the Irrational." *Strategic Insights* III, no.8 (August 2004). <http://knxup2.ad.nps.navy.mil/homesecc/docs/dod/nps17-081804-08.pdf> [Accessed February 1, 2006].
- National Highway Traffic Safety Administration. *The Peoria Experience*. Washington, D.C.: U.S. Department of Transportation, 1998.
- National Highway Traffic Safety Administration. State Trends. <http://www-nrd.nhtsa.dot.gov/pdf/nrd-30/NCSA/TSFAnn/TSF2004.pdf> [Accessed February 10, 2006].
- National Highway Traffic Safety Administration. Washington State Fatal Collision Statistics. [http://www.nhtsa.dot.gov/stsi/State\\_Info.cfm?Year=2003&State=WA&Accessible=0](http://www.nhtsa.dot.gov/stsi/State_Info.cfm?Year=2003&State=WA&Accessible=0), [Accessed January 11, 2006].

- 9/11 Commission Report, Final Report of the National Commission on Terrorist Attacks upon the United States*. New York: Norton, 2004.
- Office of Homeland Security, *National Strategy for Homeland Security*. Washington, D.C.: Government Printing Office, 2002.
- Rashbaum, William K. "Tougher Measures Appear to be Paying Off." *New York Times*, May 14, 2003.
- Runge, Jeffrey W. "The Role of Traffic Law Enforcement in Homeland Security." *Police Chief*, October 2002.
- Scruton, Roger. *A Dictionary of Political Thought*. London: MacMillan, 1996.
- Sinai, Joshua. "How to Forecast and Preempt al-Qaeda's Catastrophic Terrorist Warfare." *Journal of Homeland Security*, August 2003.
- Steele, Robert David. *The New Craft of Intelligence: Personal, Public, & Political*. Oakton, Virginia: OSS International Press, 2002.
- Tonry, Michael and David P. Farrington. "Building a Safer Society: Strategic Approaches to Crime Prevention," *Crime and Justice* 19 (1995).
- Townshend, Charles. *Terrorism: A Very Short Introduction*. New York: Oxford University Press, 2002.
- Transportation Research Board Special Report 270, Deterrence, Protection, and Preparation: The New Transportation Security Imperative*. Washington, D.C: National Academy of Sciences, 2002.
- U.S. Department of Homeland Security. Homeland Security Advisory System. <http://www.dhs.gov/dhspublic/display?theme=29> [Accessed January 14, 2006].
- U.S. Department of Homeland Security Press Release. July 7, 2005, <http://www.dhs.gov/dhspublic/display?content=4576> [Accessed January 14, 2006].
- Ward, J. "Race Ethnicity, and Law Enforcement Profiling: Implications for Public Policy." *Public Administration Review* 62 (2002): 726-735.
- Washington Association of Sheriffs and Police Chiefs. *Crime in Washington: 2003 Annual Report*. Lacey, WA, 2004. <http://www.waspc.org/wucrwiwr/2003/CIW2003.pdf#search='homicides%20and%202003%20and%20Washington%20State'> [Accessed January 11, 2006].
- Washington State Ferries, History. [http://www.wsdot.wa.gov/ferries/your\\_wsf/index.cfm?fuseaction=our\\_history](http://www.wsdot.wa.gov/ferries/your_wsf/index.cfm?fuseaction=our_history) [Accessed February 22, 2006]

- Washington State Patrol Annual Report, 2002. <http://wsp.wa.gov/reports/2002AnRpt.pdf>  
[Accessed February 1, 2006].
- Washington State Patrol Annual Report, 2003. <http://wsp.wa.gov/reports/2003anrpt.pdf>  
[Accessed January 11, 2006].
- Washington State Patrol Annual Report, 2004, <http://wsp.wa.gov/reports/2004anrpt.pdf>  
[Accessed February 1, 2006].
- Washington State Patrol: 2003 Citizen Survey Presentation of Results. Washington State University Division of Governmental Studies and Services.  
<http://wsp.wa.gov/reports/citizen03.pdf> [Accessed January 12, 2006].
- Weiss, Alexander and Edmund McGarrell. "Traffic Enforcement & Crime: Another Look." *Police Chief* (July 1999).
- Tether, Tony. "Testimony by Dr. Tony Tether, Director, Defense Advanced Research Projects Agency." Subcommittee on Technology, Information Policy, Intergovernmental Relations, and the Census, May 6, 2003, U.S. House of Representatives. Washington, D.C.: , 2003.



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